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7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
8 **IN AND FOR THE COUNTY OF MARICOPA**

10 THE STATE OF ARIZONA *ex rel.* TERRY  
11 GODDARD, the Attorney General, and THE  
12 CIVIL RIGHTS DIVISION OF THE  
13 ARIZONA DEPARTMENT OF LAW,

14 Plaintiff,

15 vs.

16 VILLATREE APARTMENTS; NHP VILLA  
17 L.P.; HALL APARTMENT MANAGEMENT,  
18 LTD; NHP VILLA G.P.; and HALL  
19 FINANCIAL GROUP, LTD,

20 Defendants.  
21

No. **CV2007-008694**

**COMPLAINT**  
(Non-Classified Civil)

22 Plaintiff, the State of Arizona *ex rel.* Terry Goddard, the Attorney General, and the  
23 Civil Rights Division of the Arizona Department of Law (collectively "the State"), for its  
24 Complaint, alleges as follows:  
25

26 ///

## INTRODUCTION

This is an action brought under the Arizona Fair Housing Act ("AFHA"), A.R.S. §§ 41-1491 to 41-1491.37, to correct a discriminatory housing practice, provide appropriate relief to aggrieved persons, and vindicate the public interest. Specifically, the State brings this matter to redress the injury sustained when Defendants and/or their agents discriminated against Soha Abdelrahman, Hany Ibrahim and their family based on their race, national origin and religion. In addition, Defendants and/or their agents retaliated against Abdelrahman, Ibrahim and their family after Abdelrahman and Ibrahim engaged in protected activity opposing Defendants' discriminatory acts.

## JURISDICTION AND VENUE

1. This court has jurisdiction of this matter pursuant to A.R.S. § 41-1491.34(A).
2. Venue is proper in Maricopa County pursuant to A.R.S. § 12-401(17).

## PARTIES

3. The Civil Rights Division of the Arizona Department of Law is an administrative agency established by A.R.S. § 41-1401 to enforce the provisions of the Arizona Civil Rights Act ("ACRA"), A.R.S. §§ 41-1401 to 41-1493.02, including the AFHA.

4. The State brings this action on its own behalf and on behalf of Soha Abdelrahman, Hany Ibrahim and their family (collectively "the Abdelrahman/Ibrahim family"), who are complainants and aggrieved persons within the meaning of A.R.S. § 41-1491(1).

5. The Abdelrahman/Ibrahim family is Arab, of Egyptian national origin, and Muslim.

6. Defendant Villatree Apartments is an apartment complex located at 1750 S. Price Road in Tempe, Arizona.

7. Upon information and belief, Defendant NHP Villa L.P. is a Delaware limited partnership conducting business in the State of Arizona and was the owner of Defendant Villatree Apartments during all relevant time periods.

1           8.     Upon information and belief, Defendant Hall Apartment Management, Ltd is a  
2 Texas limited partnership doing business in Arizona as Hall Apartment Managers L.P. and was  
3 responsible for managing Defendant Villatree Apartments during all relevant time periods.  
4 Defendant Hall Apartment Management, Ltd employed persons who managed the day-to-day  
5 operations of Villatree Apartments during all relevant time periods.

6           9.     Upon information and belief, Defendant NHP Villa G.P. is a foreign limited  
7 partnership doing business in Arizona and is the principal owner and general partner of  
8 Defendant NHP Villa L.P.

9           10.    Upon information and belief, Defendant Hall Financial Group, Ltd possessed a  
10 direct or indirect ownership interest in each of the Defendants during all relevant time periods.

11          11.    During all relevant times, the members of the Abdelrahman/Ibrahim family were  
12 tenants of Defendant Villatree Apartments.

#### 13                                   GENERAL ALLEGATIONS

14          12.    On or about July 25, 2006, the Abdelrahman/Ibrahim family began the  
15 application process to move to the Villatree Apartments.

16          13.    During the application process, Defendants' Manager, Eugenia ("Jeanie") Sundy,  
17 inquired about the Abdelrahman/Ibrahim family's nationality and religion. Sundy also required  
18 the Abdelrahman/Ibrahim family to submit a second set of application documents, after  
19 claiming to have lost their initial set.

20          14.    On or about August 31, 2006, the Abdelrahman/Ibrahim family moved into Unit  
21 209 at the Villatree Apartments.

22          15.    After the Abdelrahman/Ibrahim family had taken possession of their apartment,  
23 Defendants' maintenance staff entered the unit without the family's authorization. When  
24 Abdelrahman complained about this to Sundy, Sundy told her, "This is our way. If you don't  
25 like it you can go back to where you came from." When Abdelrahman said she would file a  
26



1 complaint regarding the unauthorized entry, Sundy replied that she would make their lives  
2 miserable in this state.

3 16. On September 22, 2006, Sundy wrote to Abdelrahman and Ibrahim threatening  
4 them with an unwarranted inspection of their apartment. Ibrahim objected that he would not  
5 give his permission to enter. Sundy insisted that she did not need Ibrahim's permission to enter  
6 the apartment because she had given him notice of the inspection.

7 17. Abdelrahman and Ibrahim complained about Defendants' agents' discriminatory  
8 statements and conduct to City of Phoenix Neighborhood Services Coordination Division  
9 ("CPNSCD"). Abdelrahman also complained of the discriminatory conduct to Sundy's  
10 supervisor, Dan Wand. CPNSCD in turn notified Sundy of Abdelrahman and Ibrahim's  
11 complaints of discrimination.

12 18. On September 26, 2006, shortly after being notified by CPNSCD of Abdelrahman  
13 and Ibrahim's discrimination complaints, Sundy insisted that Abdelrahman sign an unsigned  
14 money order that Sundy should have known had been submitted by a previous tenant of  
15 Villatree Apartments Unit 209.

16 19. On September 27, 2007, Defendants issued a Notice of Immediate Termination to  
17 Abdelrahman and Ibrahim on the grounds that, on the previous day, Abdelrahman had  
18 "fraudulently signed a money order . . . that did not belong to" them.

19 20. On October 3, 2007, following a bench trial in Tempe Justice Court, Defendants  
20 had the Abdelrahman/Ibrahim family evicted.

21 21. Abdelrahman and Ibrahim appealed the eviction, and their family was allowed to  
22 remain at Villatree Apartments while the appeal was pending.

23 22. On October 18, 2006, Defendants served the Abdelrahman/Ibrahim family with  
24 two Ten (10) Day Notices of Intent to Terminate Rental Agreement. One notice falsely  
25 accused Abdelrahman and Ibrahim of harassing other tenants and purported to prohibit them  
26

1 from speaking to other tenants. The other notice informed them that "All Communications  
2 with the Villatree Staff (Office and Maintenance Dept) Must Be in Writing Only."

3 23. Because of Defendants' ongoing harassment and retaliation, the  
4 Abdelrahman/Ibrahim family vacated the Villatree Apartments at the end of October 2006.

5 24. On or about October 30, 2006, the Abdelrahman/Ibrahim family filed a timely  
6 complaint of housing discrimination with the State's Civil Rights Division pursuant to A.R.S. §  
7 41-1491.22(C), in which they alleged that they had been the victims of race, national origin and  
8 religious discrimination by Defendants.

9 25. The State's Civil Rights Division investigated the Abdelrahman/Ibrahim family's  
10 complaint pursuant to A.R.S. § 41-1491.24(B). At the conclusion of the State's investigation,  
11 the State found reasonable cause to believe that Defendants discriminated against the  
12 Abdelrahman/Ibrahim family based on race, national origin and/or religion in violation of the  
13 AFHA.

14 26. The State issued a Reasonable Cause Finding Determination on March 20, 2007.  
15 Since that time, the Abdelrahman/Ibrahim family and the Defendants have not entered into a  
16 conciliation agreement. Having exhausted administrative requirements, the State is authorized  
17 to file this Complaint pursuant to A.R.S. §§ 41-1491.29(D) and 41-1491.34(A).

#### 18 **COUNT ONE**

##### 19 **[Discrimination in Violation of A.R.S. § 41-1491.14(B) of the AFHA]**

20 27. Plaintiff realleges and incorporates by reference the allegations of paragraphs 1  
21 through 26 of this Complaint.

22 28. Under A.R.S. § 41-1491.14(B) of the AFHA, a person may not discriminate  
23 against any person in the terms, conditions or privileges of rental of a dwelling because of race,  
24 national origin or religion.

25 29. Defendants discriminated against the Abdelrahman/Ibrahim family because of  
26 race, national origin or religion by, among other things, (a) entering their apartment without

1 authorization; (b) subjecting them to an unwarranted inspection of their apartment; (c)  
2 pressuring Abdelrahman to sign a money order that Defendants' had reason to know did not  
3 belong to her and using that signature as a pretext to have the Abdelrahman/Ibrahim family  
4 evicted from the Villatree Apartments; (d) prohibiting Abdelrahman and Ibrahim from speaking  
5 to other tenants; and (e) requiring all communications with Defendants' staff to be in writing  
6 only, in violation of A.R.S. § 41-1491.14(B).

7 30. As a result of discrimination by Defendants, the Abdelrahman/Ibrahim family  
8 suffered emotional distress, humiliation, embarrassment, inconvenience, denial of civil rights  
9 and monetary damages.

10 31. Punitive damages are appropriate because Defendants intentionally discriminated  
11 against the Abdelrahman/Ibrahim family because of their race, national origin or religion and/or  
12 Defendants acted with callous disregard of or reckless indifference to the Abdelrahman/Ibrahim  
13 family's civil rights.

## 14 **COUNT TWO**

### 15 **[Discrimination in Violation of A.R.S. § 41-1491.15 of the AFHA]**

16 32. Plaintiff realleges and incorporates by reference the allegations of paragraphs 1  
17 through 31 of this Complaint.

18 33. Under A.R.S. § 41-1491.15 of the AFHA, a person may not make a statement  
19 with respect to the rental of a dwelling that indicates any preference, limitation or  
20 discrimination based on race, national origin or religion or an intention to make such a  
21 preference, limitation or discrimination.

22 34. Shortly after the Abdelrahman/Ibrahim family moved into Defendants' Villatree  
23 Apartments, in response to a complaint that their unit had been entered without their  
24 authorization, Defendants' Manager, Jeanie Sundy, said to Abdelrahman and Ibrahim, "This is  
25 our way. If you don't like it you can go back to where you came from," and that she would  
26 make their lives miserable in this state, in violation of A.R.S. § 41-1491.15.



35. As a result of discrimination by Defendants, the Abdelrahman/Ibrahim family suffered emotional distress, humiliation, embarrassment, inconvenience, denial of civil rights and monetary damages.

36. Punitive damages are appropriate because Defendants intentionally discriminated against the Abdelrahman/Ibrahim family because of their race, national origin or religion and/or Defendants acted with callous disregard of or reckless indifference to the Abdelrahman/Ibrahim family's civil rights.

## COUNT THREE

**[Discrimination in Violation of A.R.S. § 41-1491.18 of the AFHA]**

37. Plaintiff realleges and incorporates by reference the allegations of paragraphs 1 through 36 of this Complaint.

38. Under A.R.S. § 41-1491.18 of the AFHA, a person may not coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of any right granted or protected by A.R.S. § 41-1491.18 and A.R.S. §§ 41-1491.14 or 41-1491.15.

39. By twice subjecting the Abdelrahman/Ibrahim family to retaliatory eviction, Defendants interfered with the family's exercise and enjoyment of their right to rent an apartment without discrimination on the basis of race, national origin or religion, and to complain about such discrimination to appropriate authorities, in violation of A.R.S. §§ 41-1491.14, 41-1491.15 and 41-1491.18.

40. As a result of discrimination by Defendants, the Abdelrahman/Ibrahim family suffered emotional distress, humiliation, embarrassment, inconvenience, denial of civil rights and monetary damages.

41. Punitive damages are appropriate because Defendants intentionally discriminated against the Abdelrahman/Tbrahim family because of their race, national origin or religion and/or Defendants acted with callous disregard of or reckless indifference to the Abdelrahman/Tbrahim family's civil rights.

**COUNT FOUR**

**[Practice of Discrimination in Violation of A.R.S. § 41-1491.35 of the AFHA]**

42. Plaintiff realleges and incorporates by reference the allegations of paragraphs 1 through 41 of this Complaint.

43. Plaintiff has reasonable cause to believe that Defendants denied the Abdelrahman/Ibrahim family the right, under A.R.S. §§ 41-1491.14, 41.1491.15 and 41-1491.18 of the AFHA, to rent an apartment without discrimination because of the Abdelrahman/Ibrahim family's race, national origin or religion.

44. The denial of the Abdelrahman/Ibrahim family's right to rent a dwelling without discrimination based on race, national origin or religion raises an issue of general public importance under A.R.S. § 41-1491.35 of the AFHA.

45. To vindicate the public interest, imposition of a civil penalty against Defendants of up to \$50,000 for a first violation and up to \$100,000 for a subsequent violation is appropriate under A.R.S. § 41-1491.35 of the AFHA.

WHEREFORE, the State requests that this Court:

A. Enter judgment on behalf of the State, finding that Defendants unlawfully discriminated against the Abdelrahman/Ibrahim family because of their race, national origin or religion in violation of the AFHA;

B. Enjoin Defendants, their successors, assigns and all persons in active concert or participation with Defendants from engaging in any housing practice that discriminates based on race, national origin or religion or interferes with the exercise of rights granted by the AFHA, as allowed by A.R.S. § 41-1491.34(C);

C. Assess a statutory civil penalty against Defendants to vindicate the public interest in an amount that does not exceed fifty thousand dollars (\$50,000) for the first violation or one hundred thousand dollars (\$100,000) for a second or subsequent violation, pursuant to A.R.S. § 41-1491.35(B)(3);



1 D. Order Defendants to make the Abdelrahman/Ibrahim family whole for any  
2 damage they suffered and award them damages in an amount to be determined at trial;

3 E. Award punitive damages against Defendants for their intentional discrimination  
4 based on race, national origin or religion and/or their callous disregard or reckless indifference  
5 to the Abdelrahman/Ibrahim family's civil rights;

6 F. Order the State to monitor Defendants' compliance with the AFHA;

7 G. Award the State its costs incurred in bringing this action, and its costs in  
8 monitoring Defendants' future compliance with the AFHA, as allowed by A.R.S. §§ 41-  
9 1491.34(C) and 41-1491.35(B)(2);

10 H. Award the State its reasonable attorneys fees, as allowed by § 41-1491.35(B)(2);  
11 and

12 I. Grant such other and further relief as this Court may deem just and proper in the  
13 public interest.

14 Dated this 17th day of May, 2007.

15  
16 TERRY GODDARD  
17 Attorney General

18  
19 By Ann Hobart  
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